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SESSIONAL WORKING GROUP ON THE IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

SUMMARY RECORD OF THE 1st MEETING

Held at Headquarters, New York,
on Tuesday, 14 April 1981, at 11.50 p.m.

Temporary Chairman: Mr. BHATT (Nepal)

Chairman: Mr. JOHNSON (Ecuador)

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The meeting was called to order at 11.50 a.m.

ELECTION OF OFFICERS

1. The TEMPORARY CHAIRMAN invited the members of the Working Group to elect the Chairman.

2. Mr. Johnson (Ecuador) was elected Chairman by acclamation.

3. Mr. Johnson (Ecuador) took the chair.

4. The CHAIRMAN invited the members of the Working Group to elect three Vice-Chairmen.

5. Mr. Dia (Senegal), Mr. Kords (German Democratic Republic) and Mrs. Jiménez Butragueño (Spain) were elected Vice-Chairmen by acclamation.

6. The CHAIRMAN said he hoped that the Asian Group would soon reach agreement on its candidate for the post of Rapporteur, so the Working Group could take a decision on the matter as soon as possible.

ORGANIZATION OF WORK

7. The CHAIRMAN drew attention to changes made at the initiative of the delegations of Austria, Norway and the United Kingdom in the schedule for the Working Group's consideration of reports by States parties (E/1981/WG.1/L.1).

8. Mr. SIAGE (Observer for the Syrian Arab Republic) requested a deferral of the working group's consideration of the Syrian report on articles 6 to 9 of the Covenant (E/1978/8/Add.25) so as to allow time for comments from the Ministry of Labour to be translated from Arabic and distributed to the members of the Group.

9. The CHAIRMAN suggested that consideration of the report from the Syrian Arab Republic should be postponed until 1982.

10. It was so decided.

11. Mr. LAGOS (Observer for Chile) asked whether his country's report could be taken up on a different day from that scheduled.

12. The CHAIRMAN said that if the Chilean delegation could arrange informally with another delegation to switch places in the time-table for the consideration of reports, he would announce the change to the Working Group. Otherwise, the Group could decide to wait until its following session before taking up the Chilean report. On that understanding, he suggested that the Group should accept the proposals regarding the organization of its work set forth in document E/1981/WG.1/L.1.

13. It was so decided.

CONSIDERATION OF REPORTS SUBMITTED IN ACCORDANCE WITH COUNCIL RESOLUTION 1988 (LX) BY STATES PARTIES TO THE COVENANT CONCERNING RIGHTS COVERED BY ARTICLES 6-9 OF THE COVENANT

Report of Czechoslovakia (E/1978/8/Add.18)

14. Mr. KUNZ (Observer for Czechoslovakia), introducing his Government's report, said that Czechoslovakia believed economic, social and cultural rights to be closely linked to civil and political rights; all such rights could be effectively protected only in conditions of peace, international co-operation, developing détente, respect for the sovereign independence and territorial integrity of States, and adherence to the principle of non-interference in their internal affairs. It was in the nature of the Czechoslovak State to uphold the power and rights of the working people, particularly the rights dealt with in the Covenant, practically all of which had already been established by the Constitution or other federal laws before the country's ratification of the Covenant. In many cases, moreover, the protection afforded was wider than that required by the Covenant.

15. The fundamental rights of the citizen were set out in chapter 2 of the Constitution. It was the view of the Czechoslovak State that the rights and duties of the individual should serve both the free and complete expression of the individual's personality and the strengthening and development of socialist society. Accordingly, work was regarded as a fundamental criterion for the enjoyment of individual rights: an individual's output had a determining effect on his material position in a society in which everybody had the same rights and duties. One of the goals of the State was to bring about conformity between the interests of the individual and the society in which he lived.

16. Czechoslovakia's attitude towards national self-determination was set out in chapter 1 of its Constitution and Constitutional Act No. 143/1968. Non-discrimination was a cardinal principle of the legal system; under chapter 2, section 20 of the Constitution, all citizens enjoyed equal rights and equal duties irrespective of their nationality or race. The constitutional ban on discrimination was exemplary: discrimination on any grounds whatsoever was inadmissible.

17. The country's policy towards foreigners and aliens was set out in article 32 of Constitutional Act No. 97/1963 on civil, family, labour and other relations. Foreigners were guaranteed all the rights enjoyed by Czechoslovak citizens, and that entitlement was not made conditional on reciprocity except in the case of copyright and patent rights. Section 27 of the Constitution guaranteed women equal status with men in the family, at work and in public life. A further explicit statement of women's equal status could be found in section 20, subsection 3 of the Constitution, as well as in the Family Code (Act No. 94/1963) and the Labour Code (Act No. 65/1965). The Labour Code guaranteed women the right to working conditions in keeping with their physiological capacity and their social functions of childbearing and child care.

18. No State organ was empowered by the Constitution to impose even temporary

(Mr. Kunz)

limitations on the fundamental rights of any citizen for any reason. There was no provision for declaring a state of emergency with concomitant impingements on the rights dealt with by the Covenant. A degree of co-operation might be required in cases associated with national defence, natural disasters or the like, but even then individual rights could not be restricted.

19. Since the preparation of the report further legislation had been enacted with the effect of increasing social security and sickness benefits for mothers with children under two years of age, requiring comparable alternative employment to be found for persons obliged to quit their current posts on account of reorganization, increasing old age pensions and child allowances (payable to parents, foster parents or any other person with children to look after), setting out vacation entitlements and responsibilities of persons working on co-operative farms, and laying down new provisions in connexion with the State Plan of Development of the National Economy for the period 1981-1985. Those advances were amply borne out by figures announced at the sixteenth congress of the Czechoslovak Communist Party by the First Secretary of the Party.

20. Mrs. JIMENEZ BUTRAGUEÑO (Spain) said she would welcome additional information regarding education grants and children's allowances in Czechoslovakia.

21. Like Spain, Czechoslovakia had ratified ILO Convention No. 89 concerning night work of women. Problems had arisen in Spain in that regard since the new Constitution provided for the complete equality of the two sexes, while the Convention prohibited night work of women. The solution adopted in Spain was to permit night work of women in the service sector, while continuing to prohibit it in industry. That approach seemed to her somewhat arbitrary, and she sought information concerning the practice in Czechoslovakia.

22. She asked whether psychiatric treatment was covered under the social security system and whether old-age homes existed for elderly persons who had no family to look after them.

23. Mr. KURDS (German Democratic Republic) said that it was clear from the report and the introductory remarks by the Observer for Czechoslovakia that the rights provided for under the Covenant were safeguarded in Czechoslovakia as a matter of course. He requested additional information regarding social security benefits provided for old-age pensioners.

24. Mr. ABDUL-AZIZ (Libyan Arab Jamahiriya) asked whether the reference to "securing jobs and working conditions to disabled persons" in the fifth paragraph of the report meant that the right to work of disabled persons was guaranteed by law. That was especially relevant in the light of the theme of the International Year of Disabled Persons, which was "full participation and equality".

25. Mrs. BOSHKOVA (Bulgaria) requested further information regarding working hours and measures that might be taken to improve the prevailing conditions.

26. Mr. SVERRE (Norway) said that the report of Czechoslovakia showed that there were extensive constitutional and legislative provisions relating to the rights covered by the Covenant. However, the Working Group was also interested in information about how legal provisions were applied and how the social system worked in practice.

27. It was indicated in the report that Czechoslovakia was bound by ILO Conventions Nos. 87 and 98, and that there was currently only one trade union organization in the country. He asked whether it was possible for new trade unions to be established, what the responsibilities of the existing trade union organization were and whether it negotiated wages and working conditions, for example, with the Government, State authorities or employers. He asked for clarification of the statement in the report that the consent of a State authority was not needed for the establishment of a trade union.

28. Additional information regarding the existence of the right to strike would be appreciated. He wished to know, in particular, whether, in fact, strikes occurred in Czechoslovakia, whether there was a system of arbitration in the event of a strike and under what conditions a strike would be permissible.

29. Mr. BORCHARD (Federal Republic of Germany) asked what role the trade unions played in the determination of wages and salaries, who negotiated the collective agreements referred to in the report and whether wage regulations were reviewed on a regular basis. He also asked whether all workers were members of the single trade union organization (ROH) and whether it was a unitary organization or organized along trade lines. He requested information regarding relations between ROH and the Government.

The meeting rose at 12.35 p.m.